

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA EX REL.  
STEPHEN MCMULLEN

Relator,

vs.

HCA HOLDINGS, INC. f/d/b/a HCA, Inc.  
f/d/b/a HCA – HOSPITAL CORPORATION  
OF AMERICA f/d/b/a HOSPITAL  
CORPORATION OF AMERICA

Defendant.

Case No. \_\_\_\_\_

**TO BE FILED IN CAMERA AND  
UNDER SEAL**

Pursuant to 31 U.S.C. § 3730(b)(2)

**RELATOR'S COMPLAINT FOR DAMAGES  
UNDER THE FALSE CLAIMS ACT, 31 U.S.C. § 3729, ET SEQ.**

Relator, Stephen McMullen, for his cause of action states as follows against Defendant HCA Holdings, Inc. ("HCA"):

**CAUSE OF ACTION**

1. This is an action to recover damages and civil penalties on behalf of the United States of America arising out of the false or fraudulent Medicare claims by Defendant. This is a cause of action brought by Relator pursuant to 31 U.S.C. § 3729 and the *qui tam* provisions of that statute found at 31 U.S.C. §§ 3730 and 3731.

2. Defendant operates 272 healthcare facilities, including 163 hospitals (157 general acute care hospitals, five psychiatric hospitals and one rehabilitation hospital) and 109 freestanding surgery centers. HCA's facilities are located throughout 20 states. Approximately four to five percent of all inpatient care delivered in the country today is provided by HCA

facilities. All of HCA's general acute hospitals and surgery centers located in the United States are healthcare service providers for persons covered under Medicare programs. In summary, this case involves the Defendant's use of non-accredited and/or non-certified technicians to perform "non-invasive vascular diagnostic studies" and the billing of Medicare for these services performed by non-accredited and non-certified technicians. Medicare reimbursement criteria requires that for the "noninvasive vascular diagnostic studies" to be compensable, they must be performed by a physician or technician certified in vascular technology or by an accredited laboratory. Out of the 266 HCA hospitals and surgery centers that perform non-invasive vascular diagnostic studies, Defendant has only 19 facilities with accredited laboratories. Upon information and belief, Defendant has presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians and Defendant has been compensated by Medicare for these non-compensable services in excess of \$50,000,000 per year. The purpose of the Medicare requirement for services to be performed by technicians is because the noninvasive vascular diagnostic studies performed by employees not credentialed in vascular technology were improperly performed and improperly interpreted. Many healthcare providers are using unqualified employees to perform noninvasive vascular diagnostic studies to bill Medicare and enhance their revenue stream. Noninvasive vascular diagnostic studies performed by non-certified technicians has become a revenue stream for the healthcare providers and not a medically necessary or reasonable service.

3. 31 U.S.C. § 3730(b)(2) provides that "[t]he complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60

days after it receives both the complaint and the material evidence and information.” Plaintiff is filing this matter under seal.

4. A copy of the evidentiary disclosure required by the False Claims Act has already been served on the United States.

### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this matter because the claim for relief arises under 31 U.S.C. § 3729, *et seq.* Venue is proper in this district pursuant to 31 U.S.C. § 3732 because Defendants transact business in this judicial district.

### **PARTIES**

6. At all times relevant hereto, Relator Stephen McMullen (“Relator”) was a citizen and resident of the State of Tennessee and was employed by HCA at Hendersonville Medical Center, an HCA facility in Hendersonville, Tennessee. Hendersonville Medical Center (“Hendersonville”) is not an accredited laboratory for vascular technology. Relator has witnessed the events as set forth herein. Relator is currently a resident of the State of Tennessee.

7. HCA Holdings, Inc. (“HCA”) is a for profit corporation with its principal place of business located at One Park Plaza, Nashville, TN 37203-6527. The registered agent of HCA Holdings, Inc. is CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, TX 37929-9710. HCA formerly did business as HCA, Inc., HCA – Hospital Corporation of America and Hospital Corporation of America, which are now assumed/fictitious names of HCA Holdings, Inc. Defendant HCA operates at least sixteen (16) hospitals and other facilities in Tennessee. (See Exhibit A, attached). HCA is in the business of providing medical services for patients, including Medicare reimbursable services, in more than 250 locations in approximately 20 states, including Tennessee.

## BACKGROUND FACTS

8. Pursuant to Title XVIII of the Social Security Act, §1833(e) states, “No payment shall be made to any provider of services or other person under this part unless there has been furnished such information as may be necessary in order to determine the amounts due such provider or other person under this part for the period with respect to which the amounts are being paid or for any prior period.”

9. Medicare uses third parties to process claims for reimbursement. Prior to 2009, Fiscal Intermediaries (FIs) handled all institutional claims submitted by medical providers for Medicare payment. In 2009, CMS reorganized Medicare carriers into just fifteen (15) larger Medicare Administrative Contractors (MAC) which allowed the carrier policies to become more homogenized between Part A and Part B.

10. The primary authority for all Medicare coverage provisions and subsequent policies is the Social Security Act. A service may be covered by a contractor if it is *reasonable and necessary* under 1862(a)(1)(A) of the Social Security Act. Only reasonable and necessary provisions are considered part of the LCD. In order to be covered under Medicare, a service must be *reasonable and necessary*. When appropriate, contractors shall describe the circumstances under which the proposed LCD for the service is considered *reasonable and necessary*. Medicare Program Integrity Manual, Ch. 13.5.1 – Reasonable and Necessary Provisions in LCDs.

11. Medicare Administrative Contractors (MAC) use Medicare policies in the form of regulations, National Coverage Determinations (“NCD”), coverage provisions in interpretative manuals, and Local Coverage Determinations (“LCD”), to apply the provisions of the Social Security Act.

12. Section 522 of the Benefits Improvement and Protection Act created the term **“Local Coverage Determination” (LCD)**. An LCD is a decision by a Medicare Administrative Contractor (MAC) whether to cover a particular service in accordance with §1862(a)(1)(A) of the Social Security Act. The difference between a Local Medical Review Policy (LMRP) and LCDs, is that LCDs consist of only “reasonable and necessary” information, while LMRPs may also contain benefit category and statutory exclusion provisions. Beginning in 2003, contractors began issuing LCDs instead of LMRPs and were instructed to convert all existing LMRPs into LCDs. Medicare Program Integrity Manual, Ch. 13.1.3.

13. The LCDs specify under what clinical circumstances a service is considered to be *reasonable and necessary* and are administrative and educational tools to assist providers in submitting correct claims for payment. MACs publish LCDs to provide guidance to the public and medical community within their jurisdictions. MACs develop LCDs by considering medical literature, advice of local medical societies and medical consultants, public comments, and comments from the provider community. The contractor is required to adopt LCDs that have been developed individually or collaboratively with other contractors. The contractor shall ensure that all LCDs are consistent with all statutes, rulings, regulations, and national coverage, payment, and coding policies. Medicare Program Integrity Manual, Ch. 13.1.3 – Local Coverage Determinations.

14. Contractors shall ensure that the LCDs appearing on the contractor’s LCD website and the LCDs appearing in the Medicare Coverage Database are identical. Medicare Program Integrity Manual, Ch. 13.4 – When to Develop New/Revised LCDs.

15. Contractors shall ensure that LCDs are developed for services only within their jurisdiction. The LCD shall be clear, concise, properly formatted and not restrict or conflict with

NCDs or coverage provisions in interpretative manuals. Medicare Program Integrity Manual, Ch. 13.5 – Content of an LCD.

16. A service may be covered by a contractor if it is *reasonable and necessary* under 1862(a)(1)(A) of the Social Security Act. Only reasonable and necessary provisions are considered part of the LCD. In order to be covered under Medicare, a service must be *reasonable and necessary*. When appropriate, contractors *shall* describe the circumstances under which the proposed LCD for the service is considered *reasonable and necessary*. Medicare Program Integrity Manual, Ch. 13.5.1 – Reasonable and Necessary Provisions in LCDs.

17. There are at least eight (8) MACs that service, or have serviced, the 20 states that HCA operates within and those MACs are as follows:

- A. CIGNA Government Services – Kentucky and Idaho; LCD effective date 6/22/05. (See Exhibit B, attached);
- B. Wisconsin Physician Services Insurance Corp. – Alaska, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, New Hampshire, South Carolina, Tennessee, Utah and Virginia –LCD effective date 5/18/09; (See Exhibit B, attached);
- C. Cahaba Government Benefit Administrators, LLC – Georgia, Mississippi and Tennessee –LCD effective date 5/4/09; (See Exhibit B, attached);
- D. Trailblazer Health Enterprises, LLC – Texas, Colorado and Oklahoma, LCD effective date 3/1/08(See Exhibit B, attached);
- E. Palmetto GBA – California, Nevada, South Carolina and Virginia – LCD effective date 9/2/08 and 3/19/11, (See Exhibit B, attached);
- F. Pinnacle Business Solutions, Inc. – Louisiana and Mississippi – LCD effective date 1/17/06, (See Exhibit B, attached);
- G. National Government Services, Inc. – Indiana and Kentucky - LCD effective date 11/15/08 (See Exhibit B, attached)
- H. First Coast Service Options, Inc. – Florida – LCD effective date 2/16/09, (See Exhibit B, attached)

18. The LCDs for Cigna Government Services, Wisconsin Physician Services Insurance Corp, and National Government Services, Inc. (See, Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in Alaska, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, New Hampshire, South Carolina, Tennessee, Utah and Virginia), all mandate the following:

All noninvasive vascular diagnostic studies *must* be performed under at least one of the following settings: (A) Performed by a Physician who is competent in diagnostic vascular studies or under the general supervision of physicians who have demonstrated minimum entry level competency by being credentialed in vascular technology; (B) Performed by a technician who is certified in vascular technology; or (C) Performed in facilities with laboratories accredited in vascular technology.

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

19. The LCDs for Pinnacle Business Solutions, Inc. (See, Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in Louisiana and Mississippi), all mandate the following:

All noninvasive vascular diagnostic studies *must* be either 1) performed by, or under the general supervision of, persons that have demonstrated minimum entry level competency by being credentialed in vascular technology, or (2) performed in laboratories accredited in vascular technology.

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

20. The LCDs for First Coast Service Options, Inc. (See, Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in Florida), all mandate the following:

All non-invasive vascular diagnostic studies *must* be: (1) performed by a qualified physician, or (2) performed under the general supervision of a qualified physician by a technologist who has demonstrated minimum entry level competency by being credentialed in vascular technology, and/or (3) performed in a laboratory accredited in vascular technology

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

21. The LCDs for Trailblazer Health Enterprises, Inc. (See, Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in Oklahoma, Texas and Colorado), all mandate the following:

Vascular diagnostic studies may be personally performed by a physician or technologist...the physician performing and/or interpreting the study must be capable of demonstrating documented training through recent residency training or post-graduate Continuing Medical Education (CME) and experience and maintain that documentation for postpayment review.

All non-invasive vascular diagnostic studies, when performed by a technologist, must be performed by a technologist who has demonstrated competency in ultrasound by receiving one of the following credentials in vascular ultrasound technology:

- Registered Vascular Specialist (RVS) provided by Cardiovascular Credentialing International (CCI).
- Registered Vascular Technologist (RVT) provided by the American Registry of Diagnostic Medical Sonographers (ARDMS).
- Vascular Sonographer (VS) provided by the American Registry of Radiologic Technologists, Sonography (AART) (S)



Alternatively, such studies must be performed in a facility or vascular laboratory accredited by one of the following nationally recognized accreditation organizations:

- American College of Radiology (ACR) Vascular Ultrasound Accreditation Program
- Intersocietal Commission for the Accreditation of Vascular Laboratories (ICAVL).

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

22. The LCDs for Cahaba Government Benefit Administrators (See, Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in Mississippi, Tennessee and Georgia), all mandate the following:

Noninvasive vascular diagnostic studies *must* be either (1) performed by persons with appropriate training that have demonstrated minimum entry level competency by being credentialed by a nationally recognized credentialing organization in vascular technology (e.g. American Registry of Radiologic Technologist (ARRT) in vascular technology), (2) performed by or under the direct supervision of a physician, or (3) performed in facilities with laboratories accredited in vascular technology.

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

23. The LCDs for Palmetto GBA (See Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in South Carolina and Virginia), all mandate the following:

All noninvasive vascular diagnostic studies *must* be either:

1. Performed by, or under the direct supervision of, persons who have demonstrated minimum entry level competency by being credentialed in vascular technology, or
2. Performed in facilities with laboratories accredited in vascular technology.

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

24. The LCDs for Palmetto GBA (See Exhibit B) that govern the reimbursement criteria for Defendant and other medical providers for the service of providing noninvasive vascular diagnostic studies (in California and Nevada), all mandate the following:

It is RECOMMENDED that noninvasive vascular studies either be rendered in a physician's office by/or under the direct supervision of persons credentialed in the specific type of procedure being performed or performed in laboratories accredited in the specific type of evaluation.

Upon information and belief, similar LCDs governing the reimbursement criteria for the service of providing noninvasive vascular diagnostic studies may have been applicable since at least 2005.

25. The LCD requirements (Exhibit B) are not new and have been mandated by the FIs and MACs that process the Medicare claims of Defendant for at least six (6) years dating back to at least 2005. The mandates have been published and distributed to Defendant and other medical providers. Entities such as the Society for Vascular Ultrasound have published multiple articles about the mandates. (See Exhibits C & D, attached).

## HCA

26. HCA is a for profit company that operates a network of hospitals and related healthcare facilities in the United States. It is the nation's leading provider of healthcare services and employing approximately 199,000 people.

27. HCA operates healthcare facilities in 20 states, including 163 hospitals (157 general acute care hospitals, 5 psychiatric hospitals and 1 rehabilitation hospital) and 109 surgery centers. (See Exhibit E, attached).

28. Of the two hundred sixty-six (266) plus facilities operated by HCA that perform noninvasive vascular diagnostic studies, only nineteen (19) facilities have accredited laboratories according to the Intersocietal Commission for the Accreditation of Vascular Laboratories ([www.ICAVL.org](http://www.ICAVL.org)). (See Exhibit F, attached). The 19 HCA facilities with accredited laboratories by ICAVL include:

- Good Samaritan Hospital (San Jose, CA)
- Regional Medical Center of San Jose (San Jose, CA)
- Blake Medical Center (Bradenton, FL)
- Terre Haute Regional Hospital (Terre Haute, IN)
- Menorah Medical Center (Overland Park, KS)
- Parkland Medical Center (Derry, NH)
- Portsmouth Regional Hospital (Portsmouth, NH)
- Conroe Regional Medical Center (Conroe, TX)
- Medical City Dallas Ambulatory Surgery Center (Dallas, TX)
- Medical City Dallas Hospital (Dallas, TX)
- Medical Center of Lewisville (Lewisville, TX)

- LewisGale Hospital – Alleghany (Low Mor, VA)
- Henrico Doctors' Hospital (Forest Campus) (Richmond, VA)
- John Randolph Medical Center (Hopewell, VA)
- LewisGale Medical Center (Salem, VA)
- CJW Medical Center (Chippenham Campus) (Richmond, VA)
- CJW Medical Center (Johnston-Willis Campus) (Richmond, VA)
- North Florida Regional Medical Center (Gainesville, FL) [Only recently accredited – since December 2011]
- Rapides Regional Medical Center (Alexandria, LA) [Only recently accredited – since December 2011]

29. There are 48 HCA facilities with recently accredited laboratories by the American College of Radiology (“ACR”). (See, Exhibit E, attached) These HCA facilities recently accredited by ACR include:

- North Suburban Medical Center (Thornton, CO)
- Rose Medical Center (Denver, CO)
- Sky Ridge Medical Center (Denver, CO)
- Aventura Hospital & Med Center (Aventura, FL)
- Central Florida Regional Hospital (Sanford, FL)
- Columbia Hospital (West Palm Beach, FL)
- Englewood Community Hospital (Englewood, FL)
- Fort Walton Beach Medical Center (Fort Walton Beach, FL)
- JFK Medical Center (Atlantis, FL)
- Kendall Regional Medical Center (Miami, FL)

- Lawnwood Regional Medical Center (Fort Pierce, FL)
- Mercy Hospital (Miami, FL)
- Memorial Hospital of Jacksonville (Jacksonville, FL)
- Northwest Medical Center (Margate, FL)
- Oak Hill Hospital (Brooksville, FL)
- Ocala Regional Medical Center (Ocala, FL)
- Orange Park Medical Center (Orange Park, FL)
- Plantation General Hospital (Plantation, FL)
- Raulerson Hospital (Okeechobee, FL)
- Regional Medical Center Bayonet Point (Hudson, FL)
- South Bay Hospital (Sun City Center, FL)
- St Petersburg General Hospital (St. Petersburg, FL)
- West Florida Hospital (Pensacola, FL)
- Westside Regional Medical Center (Plantation, FL)
- Eastern Idaho Regional Medical Center (Idaho Falls, ID)
- Overland Park Regional Medical Center (Overland Park, KS)
- Wesley Medical Center (Wichita, KS)
- Greenview Regional Hospital (Bowling Green, KY)
- Lakeview Regional Medical Center (Covington, LA)
- Centerpoint Medical Center (Independence, MO)
- Centennial Medical Center (Nashville, TN)
- Parkridge Medical Center (Chattanooga, TN)
- Clear Lake Regional Medical Center (Webster, TX)

- Del Sol Medical Center (El Paso, TX)
- Las Colinas Surgery Center (Irving, TX)
- Medical Center of Arlington (Arlington, TX)
- Medical Center of McKinney (McKinney, TX)
- Medical Center of Plano (Plano, TX)
- North Austin Medical Center (Austin, TX)
- Northeast Methodist Hospital (Live Oak, TX)
- North Hills Hospital (North Richland Hill, TX)
- Plaza Medical Center of Ft. Worth (Ft. Worth, TX)
- Valley Regional Medical Center (Brownsville, TX)
- Mountain View Hospital (Payson, UT)
- Ogden Regional Medical Center (Ogden, UT)
- St. Mark's Hospital (Salt Lake City, UT)
- Timpanogos Regional Medical Center (Orem, UT)
- Reston Hospital Center (Reston, VA)

Upon information and belief, the ACR accreditations are recent and the majority of the noninvasive vascular diagnostic scans at these facilities would have been conducted before ACR accreditation.

30. For Fiscal year 2011, HCA had revenues of \$32.5 Billion, income of \$3.56 Billion and HCA paid stockholder dividends of almost \$1 Billion. In 2010, HCA paid stockholder dividends of \$2.1 billion and in 2009 the stockholder distributions were \$1.75 billion.

#### **HCA LOCATIONS IN APPLICABLE STATES**

31. Of the 266 facilities operated by HCA that conduct noninvasive vascular diagnostic studies, 157 are general acute care hospitals and 109 are surgery centers, located in 20 states.

#### ALASKA

32. HCA operates the following facilities in Alaska:

##### Hospitals

- Alaska Regional Hospital (Anchorage, AK)

33. Upon information and belief, this facility has billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by this HCA facility did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

34. Upon information and belief, this facility has presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. This facility does not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for "noninvasive vascular diagnostic studies" submitted by this facility did not qualify for Medicare reimbursement.

## CALIFORNIA

35. HCA operates the following facilities in California:

### Hospitals

- Good Samaritan Hospital (San Jose, CA) [This is an HCA accredited Laboratory by ICAVL]
- Los Robles Regional Med Center (Thousand Oaks, CA) Regional Medical Center of San Jose (San Jose, CA) [This is an HCA accredited Laboratory accredited by ICAVL]
- Riverside Community Hospital (Riverside, CA) West Hills Hospital & Medical Center

### Surgical Centers

- Los Gatos Surgical Center (Los Gatos, CA)
- Los Robles SurgiCenter (Thousand Oaks, CA)
- West Hills Surgical Center (West Hills, CA)

36. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

37. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive



vascular diagnostic studies" submitted by these facilities did not qualify for Medicare reimbursement.

### **COLORADO**

38. HCA operates the following facilities in Colorado:

#### **Hospitals**

- HCA HealthONE (Denver, CO)
- Medical Center of Aurora (Aurora, CO)
- North Suburban Medical Center (Thornton, CO) [This is an HCA accredited Laboratory by ACR]
- Presbyterian/St. Luke's Medical Center (Denver, CO)
- Rose Medical Center (Denver, CO) [This is an HCA accredited Laboratory by ACR]
- Sky Ridge Medical Center (Lone Tree, CO) [This is an HCA accredited Laboratory by ACR]
- Spalding Rehab Hospital (Aurora, CO)
- Swedish Medical Center (Englewood, CO)

#### **Surgical Centers**

- Centrum Surgical Center (Greenwood Village, CO)
- Lakewood Surgical Center (Lakewood, CO)
- Midtown Surgical Center (Denver, CO)
- Musculoskeletal Surgery Center (Thornton, CO)
- North Suburban Surgery Center (Thornton, CO)
- Rose Surgical Center (Denver, CO)
- Sky Ridge Surgical Center (Lone Tree, CO)
- Urology Surgery Center of Colorado (Denver, CO)

39. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these

HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

40. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

#### **FLORIDA**

41. HCA operates the following facilities in Florida:

##### **Hospitals**

- Aventura Hospital & Med Center (Aventura, FL) [This is an HCA accredited Laboratory by ACR]
- Blake Medical Center (Bradenton, FL) [This is an HCA accredited Laboratory by ICAVL]
- Brandon Regional Hospital (Brandon, FL)
- Capital Regional Medical Center (Tallahassee, FL)
- Central Florida Regional Hospital (Sanford, FL) [This is an HCA accredited Laboratory by ACR]
- Columbia Hospital (West Palm Beach, FL) [This is an HCA accredited Laboratory by ACR]
- Community Hospital of New Port Richey (New Port Richey, FL)
- Doctors Hospital of Sarasota (Sarasota, FL)
- Edward White Hospital (St. Petersburg, FL)
- Englewood Community Hospital (Englewood, FL) [This is an HCA accredited Laboratory by ACR]
- Fawcett Memorial Hospital (Port Charlotte, FL)
- Fort Walton Beach Medical Center (Fort Walton Beach, FL) [This is an HCA accredited Laboratory by ACR]
- Gulf Coast Medical Center (Panama City, FL)
- JFK Medical Center (Atlantis, FL) [This is an HCA accredited Laboratory by ACR]

- Kendall Regional Medical Center (Miami, FL) [This is an HCA accredited Laboratory by ACR]
- Lake City Medical Center (Lake City, FL)
- Largo Medical Center & Indian Rocks Campus (Largo, FL)
- Lawnwood Regional Medical Center (Fort Pierce, FL) [This is an HCA accredited Laboratory by ACR]
- Mercy Hospital (Miami, FL) [This is an HCA accredited Laboratory by ACR]
- Memorial Hospital of Jacksonville (Jacksonville, FL) [This is an HCA accredited Laboratory by ACR]
- North Florida Regional Medical Center (Gainesville, FL) [This is an HCA accredited Laboratory by ICAVL] [Only recently accredited – Since December 2011]
- Northside Hospital (St. Petersburg, FL)
- Northwest Medical Center (Margate, FL) [This is an HCA accredited Laboratory by ACR]
- Oak Hill Hospital (Brooksville, FL) [This is an HCA accredited Laboratory by ACR]
- Ocala Regional Medical Center (Ocala, FL) [This is an HCA accredited Laboratory by ACR]
- Orange Park Medical Center (Orange Park, FL) [This is an HCA accredited Laboratory by ACR]
- Osceola Regional Medical Center (Kissimmee, FL)
- Palms West Hospital (Loxahatchee, FL)
- Plantation General Hospital (Plantation, FL) [This is an HCA accredited Laboratory by ACR]
- Raulson Hospital (Okeechobee, FL) [This is an HCA accredited Laboratory by ACR]
- Regional Medical Center Bayonet Point (Hudson, FL) [This is an HCA accredited Laboratory by ACR]
- South Bay Hospital (Sun City Center, FL) [This is an HCA accredited Laboratory by ACR]
- Specialty Hospital Jacksonville (Jacksonville, FL)
- St. Lucie Medical Center (Port St. Lucie, FL)
- St. Petersburg General Hospital (St. Petersburg, FL) [This is an HCA accredited Laboratory by ACR]
- Twin Cities Hospital (Niceville, FL)
- University Hospital and Medical Center (Tamarac, FL)
- West Florida Hospital (Pensacola, FL) [This is an HCA accredited Laboratory by ACR]
- Westside Regional Medical Center (Plantation, FL) [This is an HCA accredited Laboratory by ACR]

### Surgical Centers

- Ambulatory Surgery Center – Tampa (Tampa, FL)
- Atlantis Outpatient Center (Lake Worth, FL)
- Bayonet Point Surgery & Endoscopy Center (Hudson, FL)
- Bellair Surgery Center (Clearwater, FL)
- Brandon Surgery Center (Brandon, FL)
- Center for Special Surgery (St. Petersburg, FL)
- Countryside Surgery Center (Clearwater, FL)
- Doctors Same Day Surgery Center (Saratosa, FL)
- Florida Surgery Center (Altamonte Springs, FL)
- Gulf Coast Surgery Center (Bradenton, FL)
- Gulf Pointe Surgery Center (Port Charlotte, FL)
- Jacksonville Plaza II (Jacksonville, FL)
- Jacksonville Surgery Center (Jacksonville, FL)
- Kissimmee Surgery Center (Kissimmee, FL)
- Merritt Island Surgery Center (Merritt Island, FL)
- Miami Lakes Surgery Center (Miami, FL)
- New Port Richey Surgery Center (New Port Richey, FL)
- North County Surgicenter (Palm Beach Gardens, FL)
- North Miami Beach Surgical Center (North Miami Beach, FL)
- Orange Park Surgery Center (Orange Park, FL)
- Outpatient Surgical Services (Plantation, FL)
- Palms West Surgicenter (Loxahatchee, FL)
- Parkside Surgery Center (Jacksonville, FL)
- Same Day SurgiCenter of Orlando (Orlando, FL)
- St. Lucie Surgery Center (Port St. Lucie, FL)
- Surgery Center of Coral Springs (Coral Springs, FL)
- Surgery Center at St. Andrews (Venice, FL)
- Surgery Center of Aventura (Aventura, FL)
- Surgery Center of Ft. Pierce (Ft. Pierce, FL)
- Surgical Park Center (Miami, FL)
- Tallahassee Outpatient Surgery Center (Tallahassee, FL)
- Tampa Eye & Specialty Surgery Center (Tampa, FL)
- Venture Ambulatory Surgery Center (North Miami Beach, FL)

42. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited

in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

43. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

#### **GEORGIA**

44. HCA operates the following facilities in Georgia:

##### **Hospitals**

- Cartersville Medical Center (Cartersville, GA)
- Coliseum Medical Centers (Macon, GA)
- Coliseum Northside Hospital (Macon, GA)
- Coliseum Psychiatric Center (Macon, GA)
- Doctors Hospital of Augusta (Augusta, GA)
- Eastside Medical Center (Snellville, GA)
- Fairview Park Hospital (Dublin, GA)
- Palmyra Medical Centers (Albany, GA)
- Polk Medical Center (Cedartown, GA)
- Redmond Regional Medical Center (Rome, GA)

##### **Surgical Centers**

- Atlanta Outpatient Surgery Center (Atlanta, GA)
- Atlanta Peachtree Dunwoody Center (Atlanta, GA)
- Augusta Surgical Center (Augusta, GA)
- Coliseum Same Day Surgery (Macon, GA)
- Evans Surgery Center (Evans, GA)
- Marietta Surgical Center (Marietta, GA)

- Northlake Surgical Center (Tucker, GA)
- Pediatric Center of Atlanta Outpatient (Atlanta, GA)
- Surgery Center of Rome (Rome, GA)

45. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

46. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### **IDAHO**

47. HCA operates the following facilities in Idaho:

#### **Hospitals**

- Eastern Idaho Regional Medical Center (Idaho Falls, ID) [This is an HCA accredited Laboratory by ACR]
- West Valley Medical Center (Caldwell, ID)

48. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general

supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

49. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

#### INDIANA

50. HCA operates the following facilities in Indiana:

##### Hospitals

- Terre Haute Regional Hospital (Terre Haute, IN) [This is an HCA accredited Laboratory by ICAVL]

51. Upon information and belief, this facility has billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by this HCA facility did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

52. Upon information and belief, this facility has presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. This facility does not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by this facility did not qualify for Medicare reimbursement.

### **KANSAS**

53. HCA operates the following facilities in Kansas:

#### **Hospitals**

- Allen County Hospital (Iola, KS)
- Menorah Medical Center (Overland Park, KS) [This is an HCA accredited Laboratory by ICAVL]
- Overland Park Regional Medical Center (Overland Park, KS) [This is an HCA accredited Laboratory by ACR]
- Wesley Medical Center (Wichita, KS) [This is an HCA accredited Laboratory by ACR]

#### **Surgical Centers**

- Mid-America Surgery Institute (Overland, KS)
- Overland Park Surgery Center (Overland Park, KS)
- Surgicare of Wichita (Wichita, KS)
- SurgiCenter of Johnson County (Overland Park, KS)

54. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these



HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

55. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

#### **KENTUCKY**

56. HCA operates the following facilities in Kentucky:

##### **Hospitals**

- Frankfort Regional Medical Center (Frankfort, KY)
- Greenview Regional Hospital (Bowling Green, KY) [This is an HCA accredited Laboratory by ACR]

57. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

58. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-

certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### **LOUISIANA**

59. HCA operates the following facilities in Louisiana:

#### **Hospitals**

- Dauterive Hospital (New Iberia, LA)
- Lakeview Regional Medical Center (Covington, LA) [This is an HCA accredited Laboratory by ACR]
- Regional Medical Center of Acadiana (Lafayette, LA)
- Tulane Medical Center (Metairie, LA)
- Tulane University Hospital & Clinic (New Orleans, LA)
- Women’s & Children’s Hospital, A Campus of Regional Medical Center of Acadiana (Lafayette, LA)
- Rapides Regional Medical Center (Alexandria, LA) [This is an HCA accredited Laboratory by ICAVL] [Only recently accredited – Since December 2011]

#### **Surgical Centers**

- Lafayette Surgicare (Lafayette, LA)

60. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

61. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### MISSOURI

62. HCA operates the following facilities in Missouri:

#### Hospitals

- Centerpoint Medical Center (Independence, MO) [This is an HCA accredited Laboratory by ACR]
- Lafayette Regional Health Center (Lexington, MO)
- Lee’s Summit Medical Center (Lee’s Summit, MO)
- Research Belton Hospital (Belton, MO)
- Research Medical Center (Kansas City, MO)
- Research Medical Center – Brookside Campus (Kansas City, MO)
- Research Psychiatric Center (Kansas City, MO)

#### Surgical Centers

- Centerpoint Ambulatory Surgery Center (Independence, MO)
- Surgicenter of Kansas City (Kansas City, MO)

63. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these

HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

64. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

#### **MISSISSIPPI**

65. HCA operates the following facilities in Mississippi:

##### **Hospitals**

- Garden Park Medical Center (Gulfport, MS)

66. Upon information and belief, this facility has billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by this HCA facility did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

67. Upon information and belief, this facility has presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular

technology. This facility does not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for "noninvasive vascular diagnostic studies" submitted by this facility did not qualify for Medicare reimbursement.

### **NEW HAMPSHIRE**

68. HCA operates the following facilities in New Hampshire:

#### **Hospitals**

- Parkland Medical Center (Derry, NH) [This is an HCA accredited Laboratory by ICAVL]
- Portsmouth Regional Hospital (Portsmouth, NH) [This is an HCA accredited Laboratory by ICAVL]

#### **Surgical Centers**

- Portsmouth Regional Ambulatory Surgery Center (Portsmouth, NH)
- Salem Surgery Center (Salem, NH)

69. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

70. Upon information and belief, these facilities have presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology.

A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### **NEVADA**

71. HCA operates the following facilities in Nevada:

#### **Hospitals**

- Mountain View Hospital (Las Vegas, NV)
- Southern Hills Hospital & Medical Center (Las Vegas, NV)
- Sunrise Hospital & Med Center (Las Vegas, NV)

#### **Surgical Centers**

- Flamingo Surgery Center (Las Vegas, NV)
- Las Vegas Surgery Center (Las Vegas, NV)
- Sahara Surgery Center (Las Vegas, NV)
- Specialty Surgery Center (Las Vegas, NV)

72. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

73. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive

vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### **OKLAHOMA**

74. HCA operates the following facilities in Oklahoma:

#### **Hospitals**

- Edmond Regional Medical Center (Edmond, OK)
- Oklahoma University Medical Center (Oklahoma City, OK)

#### **Surgical Centers**

- Oklahoma Surgicare (Oklahoma City, OK)

75. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

76. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

## SOUTH CAROLINA

77. HCA operates the following facilities in South Carolina:

### Hospitals

- Colleton Medical Center (Walterboro, SC)
- Grand Strand Regional Medical Center (Myrtle Beach, SC)
- Moncks Corner Medical Center (Moncks Corner, SC)
- Summerville Medical Center (Summerville, SC)
- Trident Regional Medical Center (Charleston, SC)

### Surgical Centers

- Grande Dunes Surgery Center (Myrtle Beach, SC)
- Trident Eye Surgery Center (Charleston, SC)
- Trident Surgery Center (Charleston, SC)

78. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

79. Upon information and belief, these facilities have presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for "noninvasive vascular diagnostic studies" submitted by these facilities did not qualify for Medicare reimbursement.



## TENNESSEE

80. HCA operates the following facilities in Tennessee:

### Hospitals

- Centennial Med Center Ashland City (Ashland City, TN)
- Centennial Medical Center (Nashville, TN) [This is an HCA accredited Laboratory by ACR]
- Hendersonville Medical Center (Hendersonville, TN)
- Horizon Medical Center (Dickson, TN)
- Parkridge East Hospital (Chattanooga, TN)
- Parkridge Medical Center (Chattanooga, TN) [This is an HCA accredited Laboratory by ACR]
- Parkridge Valley Hospital (Chattanooga, TN)
- Skyline Madison Campus (Madison, TN)
- Skyline Medical Center (Nashville, TN)
- Southern Hills Medical Center (Nashville, TN)
- StoneCrest Medical Center (Smyrna, TN)
- Summit Medical Center (Hermitage, TN)

### Surgical Centers

- Centennial Surgery Center (Nashville, TN)
- Summit Surgery Center (Hermitage, TN)
- Surgery Center of Chattanooga (Chattanooga, TN)

81. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

82. Upon information and belief, these facilities have presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in

vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### TEXAS

83. HCA operates the following facilities in Texas:

#### Hospitals

- Bayshore Medical Center (Pasadena, TX)
- Clear Lake Regional Medical Center (Webster, TX) [This is an HCA accredited Laboratory by ACR]
- Conroe Regional Medical Center (Conroe, TX) [This is an HCA accredited Laboratory by ICAVL]
- Corpus Christi Medical Center – Bay Area (Corpus Christi, TX)
- Corpus Christi Medical Center – Doctor’s Regional (Corpus Christi, TX)
- Corpus Christi Medical Center – Heart Hospital (Corpus Christi, TX)
- Corpus Christi Medical Center – Northwest (Corpus Christi, TX)
- Del Sol Medical Center (El Paso, TX) [This is an HCA accredited Laboratory by ACR]
- Denton Regional Medical Center (Denton, TX)
- Green Oaks Hospital (Dallas, TX)
- Kingwood Medical Center (Kingwood, TX)
- Las Colinas Medical Center (Irving, TX) [This is an HCA accredited Laboratory by ACR]
- Las Palmas Medical Center (El Paso, TX)
- Mainland Medical Center (Texas City, TX)
- Medical City Dallas Hospital (Dallas, TX) [This is an HCA accredited Laboratory by ICAVL]
- Medical Center of Arlington (Arlington, TX) [This is an HCA accredited Laboratory by ACR]
- Medical Center of Lewisville (Lewisville, TX) [This is an HCA accredited Laboratory by ICAVL]
- Medical Center of McKinney (McKinney, TX) [This is an HCA accredited Laboratory by ACR]
- Medical Center of Plano (Plano, TX) [This is an HCA accredited Laboratory by ACR]
- Methodist Children’s Hospital (San Antonio, TX)

- Methodist Heart Hospital (San Antonio, TX)
- Methodist Hospital (San Antonio, TX)
- Methodist Specialty & Transplant Hospital (San Antonio, TX)
- Methodist Stone Oak Hospital (San Antonio, TX)
- Metropolitan Methodist Hospital (San Antonio, TX)
- North Austin Medical Center (Austin, TX) [This is an HCA accredited Laboratory by ACR]
- Northeast Methodist Hospital (Live Oak, TX) [This is an HCA accredited Laboratory by ACR]
- North Hills Hospital (North Richland Hill, TX) [This is an HCA accredited Laboratory by ACR]
- Plaza Medical Center of Ft. Worth (Fort Worth, TX) [This is an HCA accredited Laboratory by ACR]
- Rio Grande Regional Hospital (McAllen, TX)
- Round Rock Medical Center (Round Rock, TX)
- South Austin Hospital (Austin, TX)
- St. David's Georgetown (Georgetown, TX)
- St. David's Medical Center (Austin, TX)
- Texas Orthopedic Hospital (Houston, TX)
- Valley Regional Medical Center (Brownsville, TX) [This is an HCA accredited Laboratory by ACR]
- West Houston Medical Center (Houston, TX)
- Woman's Hospital of Texas (Houston, TX)

#### **Surgical Centers**

- Ambulatory Endoscopy Clinic of Dallas (Dallas, TX)
- Bailey Square Surgery Center (Austin, TX)
- Bay Area Surgicare Center (Webster, TX)
- Bayshore Surgery Center (Pasadena, TX)
- Calloway Creek Surgery Center (North Richland Hills, TX)
- Day Surgery Center at DRMC (Denton, TX)
- East El Paso Surgery Center (El Paso, TX)
- Fannin Surgicare (Houston, TX)
- Gastrointestinal Endoscopy Center (Plano, TX)
- Gramercy Outpatient Surgery (Houston, TX)
- Las Colinas Surgery Center (Irving, TX)
- McKinney Surgery Center (McKinney, TX)
- Medical City Dallas Ambulatory Surgery Center (Dallas, TX) [This is an HCA accredited Laboratory by ICAVL]
- Methodist Ambulatory Medical Center (San Antonio, TX)
- Methodist Ambulatory Surgery Center-Medical Center (San Antonio, TX)

- Methodist Ambulatory Surgery Center – North Central (San Antonio, TX)
- North Austin Surgery Center (Austin, TX)
- Oakwood Surgery Center (Round Rock, TX)
- Park Central Surgical Center (Dallas, TX)
- Physicians Endoscopy Center (Houston, TX)
- Plaza Day Surgery (Ft. Worth, TX)
- Rio Grande Surgery Center (McAllen, TX)
- Sugar Land Surgery Center (Sugar Land, TX)
- Surgery Center of Plano (Plano, TX)
- Surgical Center of El Paso (El Paso, TX)
- Surgicare of South Austin (Austin, TX)
- Texas Pediatric Surgery Center (North Richland Hills, TX)
- Trinity Park Surgery Center (Arlington, TX)

84. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

85. Upon information and belief, these facilities have presented false claims to Medicare for “noninvasive vascular diagnostic studies” performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

## UTAH

86. HCA operates the following facilities in Utah:

### Hospitals

- Brigham City Community Hospital (Brigham City, UT)
- Lakeview Hospital (Bountiful, UT)
- Mountain View Hospital (Payson, UT) [This is an HCA accredited Laboratory by ACR]
- Ogden Regional Medical Center (Ogden, UT) [This is an HCA accredited Laboratory by ACR]
- St. Mark's Hospital (Salt Lake City, UT) [This is an HCA accredited Laboratory by ACR]
- St. Mark's Hospital Lone Peak Emergency Center (Draper, UT)
- Timpanogos Regional Medical Center (Orem, UT) [This is an HCA accredited Laboratory by ACR]

### Surgical Centers

- Lakeview Endoscopy Center (Bountiful, UT)
- South Towne Surgery Center (Sandy, UT)
- St. Mark's Outpatient Surgery Center (Salt Lake City, UT)
- Utah Surgical Center (West Valley, UT)
- Wasatch Endoscopy Surgery Center (Salt Lake City, UT)

87. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

88. Upon information and belief, these facilities have presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in

vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for “noninvasive vascular diagnostic studies” submitted by these facilities did not qualify for Medicare reimbursement.

### VIRGINIA

89. HCA operates the following facilities in Virginia:

#### Hospitals

- CJW Medical Center (Chippenham Campus) (Richmond, VA) [This is an HCA accredited Laboratory by ICAVL]
- CJW Medical Center (Johnston-Willis Campus) (Richmond, VA) [This is an HCA accredited Laboratory by ICAVL]
- Dominion Hospital (Falls Church, VA)
- LewisGale Hospital – Alleghany (Low Moor, VA) [This is an HCA accredited Laboratory by ICAVL]
- Henrico Doctors’ Hospital (Forest Campus) (Richmond, VA) [This is an HCA accredited Laboratory by ICAVL]
- Henrico Doctors’ Hospital (Parham Campus) (Richmond, VA)
- Henrico Doctors’ Hospital (Retreat Campus) (Richmond, VA)
- John Randolph Medical Center (Hopewell, VA) [This is an HCA accredited Laboratory by ICAVL]
- LewisGale Medical Center (Salem, VA) [This is an HCA accredited Laboratory by ICAVL]
- LewisGale Hospital – Montgomery (Blacksburg, VA)
- LewisGale Hospital – Pulaski (Pulaski, VA)
- Reston Hospital Center (Reston, VA) [This is an HCA accredited Laboratory by ACR]
- Spotsylvania Regional Medical Center (Fredericksburg, VA)

#### Surgical Centers

- Blue Ridge Surgery Center (Salem, VA)
- Colonial Heights Surgery Center (Colonial Heights, VA)
- Fairfax Surgical Center (Fairfax, VA)
- Hanover Outpatient Surgery Center (Mechanicsville, VA)
- Parham Surgery Center (Henrico, VA)
- Reston, Surgery Center (Reston, VA)

90. Upon information and belief, these facilities have billed Medicare for noninvasive vascular diagnostic studies which were (1) not performed by a physician or under the general supervision of a physician credentialed in vascular technology; (2) not performed by a technician certified in vascular technology; and (3) not performed in facilities with laboratories accredited in vascular technology. The noninvasive vascular diagnostic studies billed to Medicare by these HCA facilities did not qualify for reimbursement under the Local Coverage Determination established by the Medicare Administrator Contractor.

91. Upon information and belief, these facilities have presented false claims to Medicare for "noninvasive vascular diagnostic studies" performed by non-accredited and/or non-certified technicians, who were not under the general supervision of physicians certified in vascular technology. These facilities do not have laboratories accredited in vascular technology. A significant number of the Medicare claims, which were paid by Medicare, for "noninvasive vascular diagnostic studies" submitted by these facilities did not qualify for Medicare reimbursement.

#### **TOTALITY OF CLAIMS**

92. Upon information and belief, for the 266 hospitals and surgery centers operated by HCA, if operated similar to Hendersonville Medical Center, as outlined below, HCA would have received over \$50,000,000 in Medicare reimbursements per year for noninvasive vascular diagnostic studies performed by non-accredited and/or non-certified technicians in violation of the Medicare reimbursement criteria. Upon information and belief, HCA has also received Medicare reimbursements for noninvasive vascular diagnostic studies performed by non-accredited and/or non-certified technicians at many of the other healthcare facilities operated by HCA.

93. Relator estimates that HCA has received more than \$200,000,000 since 2008 in Medicare reimbursements for noninvasive vascular diagnostic studies performed by non-accredited and/or non-certified technicians at all of its healthcare facilities combined, operated in over 20 states.

**Facts Pertaining To Relator Stephen McMullen**

94. Relator, Stephen McMullen, is an original source who has direct and independent knowledge of the information on which the allegations in this Complaint are based and has voluntarily provided the information to the government before filing an action based on the information contained herein.

95. Relator, Stephen McMullen, worked for Hendersonville Medical Center, Hendersonville, Tennessee ("Hendersonville"), an HCA owned and operated hospital, from approximately January 2012 through May 2012. Relator is a Registered Vascular Technologist (RVT) credentialed and accredited by the American Registry of Diagnostic Medical Sonographers.

96. Relator states that while he was properly credentialed as a vascular technologist, most of the technologists at Hendersonville performing noninvasive vascular studies were not certified as vascular technologists. Prior to 2011, Hendersonville employed approximately seven (7) scanners and had only one (1) certified technician. Another technician was certified in late 2011 and two more were certified in 2012. Additionally, Relator states that none of the noninvasive vascular diagnostic studies performed during his employment at Hendersonville were performed by a physician or under the direct or general supervision of a physician credentialed in vascular technology.



97. Relator also asserts that HCA has very few facilities with laboratories accredited in vascular technology. Relator was advised that Hendersonville (owned by HCA) has never maintained an accredited laboratory.

98. Hendersonville is not an accredited laboratory and is performing non-invasive vascular diagnostic studies with persons that are not physicians or technicians certified in vascular technology and are not under the general supervision of physicians certified in vascular technology.

99. Relator has personal knowledge that Hendersonville Medical Center performs approximately 70 noninvasive vascular diagnostic scans per week, 7 days per week, for a total of 3,640 scans per year. Approximately 60% or 2,184 are Medicare scans. The average Medicare reimbursement per scan is \$140. Hendersonville Medical Center receives approximately \$305,760 annually from Medicare for noninvasive vascular diagnostic scans. Of the 2,184 noninvasive vascular diagnostic scans charged to Medicare, approximately 75% are non-reimbursable (performed by unqualified technicians) for a total of \$229,320 of non-reimbursable claims paid annually by Medicare to Hendersonville Medical Center. This practice has continued at Hendersonville Medical Center since at least 2008. Therefore, a significant number of Medicare claims for noninvasive vascular diagnostic studies submitted by Hendersonville to Wisconsin Physicians Service Insurance Company and/or Cahaba Government Benefit Administrators, did not qualify for Medicare reimbursement.

100. Since 2008, HCA had over 250 medical facilities that performed noninvasive vascular diagnostic scans that did not have laboratories accredited in vascular technology. If these 250 HCA facilities were operated similar to Hendersonville Medical Center, HCA will

have charged Medicare more than \$57,000,000 annually for noninvasive vascular diagnostic scans that do not qualify for Medicare reimbursement.

101. Additionally, for each improper noninvasive vascular diagnostic study, Medicare is charged an estimated \$25-\$40 to interpret the improper study.

102. Upon information and belief, Medicare reimbursed Hendersonville over \$230,000 per year for non-compensable medical services related to noninvasive vascular diagnostic studies performed by non-accredited and/or non-certified technicians. Upon information and belief, these improper Medicare reimbursements have occurred at Hendersonville since at least 2008 for an approximate total of \$920,000, just for Hendersonville, one of the 250 plus healthcare facilities operated by HCA.

103. As stated by CIGNA in its Article for Noninvasive Vascular Studies, the accuracy of noninvasive vascular diagnostic studies depends on the knowledge, skill and experience of the technologist, and consequently, the technologist and physician must be able to show documentation of training and experience as well as maintain the credentials at each site. The lack of these credentials was obvious, in that, Relator noticed that a significant number of noninvasive vascular diagnostic studies performed at Hendersonville were improperly performed and improperly interpreted by persons not credentialed in vascular technology.

104. Relator has personal knowledge that the following people are/were performing noninvasive vascular diagnostic studies at Hendersonville, but are not Registered Vascular Sonographers: Terry Maze, Adam Gilliland, Amanda Bushnell, Mary Palermo, Sherry Billingham (registered 2012), Melanie Robinson (registered 2012) and Kelly Jones (registered late 2011).

105. Relator also has personal knowledge that the Government Accounting Office (GAO) has promulgated literature regarding the pervasive and systemic use of noninvasive vascular studies that are not medically reasonable or necessary. Particularly, the purpose of the requirement for certifications is because hospitals, clinics, and physicians were and are utilizing improperly experienced and educated individuals to perform noninvasive vascular studies purely to bill Medicare. Noninvasive vascular studies have become a revenue stream versus a medically necessary or reasonable study. As such, the Centers for Medicare and Medicaid Services (CMS) promulgated requirements regarding credentials in an effort to stem unreasonable and unnecessary studies.

106. While working for other employers, Relator has personally performed noninvasive vascular diagnostic studies in other states, such as Louisiana, and the Medicare claims were accompanied by the proper credentials of the technologist or the laboratory in order to obtain Medicare reimbursement.

### **CLAIM FOR RELIEF**

#### **VIOLATION OF 31 §U.S.C. 3729(a)(1), (a)(2), and (a)(3)**

107. Relator incorporates the preceding paragraphs as if fully set forth herein.

108. Defendant, acting through its affiliates, partners, subsidiaries, employees, officers, agents, and independent contractors knowingly presented or caused to be presented false or fraudulent claims for payment from Medicare. Defendant knowingly presented or caused to be presented to the United States Government claims for payment of non-reimbursable Medicare claims for noninvasive vascular diagnostic studies and for interpreting said studies.

109. Despite CIGNA's Article for Noninvasive Vascular Studies and the corresponding NCDs and LCDs, Defendant has acted with actual knowledge, deliberate

ignorance of the truth, or reckless disregard for the truth or falsity in presenting inaccurate, false, and unsubstantiated claims for Medicare reimbursement.

110. The claims presented by the Defendant were false or fraudulent in that the Defendant knowingly made or caused false or fraudulent claims to be paid by the United States Government.

111. The Defendant submitted or caused to be submitted and presented or caused to be presented the false and/or fraudulent claims or false records for payment or approval.

112. The false and fraudulent claims of HCA were paid by the United States Government.

113. As a direct and proximate result of paying for unreasonable or unnecessary studies and interpretations which were, in fact, false or fraudulent, the United States Government sustained damages.

WHEREFORE, Relator demands: (1) judgment against the Defendant in an amount of three times the false claims submitted for payment to the United States Government, (2) for a civil penalty against the Defendant in an amount between \$5,500.00 and \$11,000.00 for each violation of 31 U.S.C. §3729, *et seq.*, (3) for the maximum amount allowed to the *Qui Tam* Plaintiff under 31 U.S.C. §3730(d) of the False Claims Act or any other applicable provision of law, including any alternate remedy provisions, (4) for its court costs and reasonable attorneys fees at prevailing rates, (5) for expenses, and (6) for such other and further relief as this Court deems just and proper.

#### **JURY DEMAND**

Relator demands a jury trial on all issues for which a jury is available.

Dated: May 18, 2012.

/s/ Russell A. Wood

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